

CHAP. 97.

Passed Jan 15 1816

Commissioners appointed to lay out and open road.

CHAP. XCVII.

An Act to lay out and open a Road in Frederick County. Lib. TH.
No. 4, fol. 557.

1. **BE IT ENACTED**, by the General Assembly of Maryland, That Valentine Buckey, John Cromise, Isaac Hedges, John Gittinger and John Stull, or a majority of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expense of the petitioners, or other persons interested therein, a road not exceeding thirty feet in width, in the best and straightest direction, taking all circumstances into consideration, from a point near John Cromise's farm, and the old glass works, thence by Frederick Clise's, Frey's and Donstone's mill to Ramburgh's meeting house, pursuing the bed of the old road, unless the public interest require a departure from it; and the said commissioners shall make out a plot of said road, and return the same to the clerk of the county court, to be recorded among the records of said county; and the road, when so opened at the expense of the petitioners, or others interested therein, and the valuation hereinafter directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be thereafter deemed to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said county.

Vacancies, how to be supplied.

2. **AND BE IT ENACTED**, That in case of death, resignation, disqualification, or refusal to act, of any of the commissioners aforesaid, the remaining commissioners, or a majority, shall and they are hereby authorised and directed to fill up such vacancy or vacancies.

Damages to be ascertained.

3. **AND BE IT ENACTED**, That the commissioners aforesaid, or a majority of them, shall ascertain and value if required, what damages may be sustained by any person or persons over whose land the said road may pass by opening the same, and the valuation shall be made before the said commissioners, or a majority of them, shall proceed to open the said road; *Provided always*, that if any person or persons through whose land the said road may pass, or his, her, or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the peace of the county, on application of the party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, who do not hold lands through which the said road may pass, to appear on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made, and the said freeholders, having first made oath before said justice of the peace that they will without favour, affection or partiality, assess the damages sustained by the person or persons at whose request, or for whose benefit such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners, or a majority of them, shall have had at least five days notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive; and the party or parties in

Proviso.